

# Development Review Committee

## Staff Report

December 20, 2017



<b>Case No:</b>	17MOD1011
<b>Project Name:</b>	Mangos Event Space
<b>Location:</b>	4600 Hendrick Dr
<b>Owner(s):</b>	Hendrick Properties, LLC
<b>Applicant:</b>	Spink General Contracting
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Jay Lockett, Planner I

### REQUEST(S)

- **Modification of Binding Elements**

### CASE SUMMARY/BACKGROUND

The applicant is seeking to utilize an existing vacant building within the Stony Brook South commercial center as an event space. The use would be allowed under the existing C-2 zoning, but there are binding elements from the original rezoning case 9-39-94, as updated on the Revised General District Development Plan approved on August 1, 2005, that would potentially prevent the use of the structure as proposed. Binding Element #2 has overly specific descriptions of the square footage allowed for specific uses within the larger development, while Binding Element #4 excludes "dance halls" as an allowable use within the development. While the event space proposed would not explicitly be considered a dance hall use, some hosted events would likely include dancing and therefore there is a concern that this Binding Element could be interpreted to make such events a violation of the Binding Elements.

### STAFF FINDING

The proposal is adequately justified and meets the standard of review.

### TECHNICAL REVIEW

There are no outstanding technical review items associated with this request.

### INTERESTED PARTY COMMENTS

Staff has received no inquiries from interested parties concerning this request.

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR AMENDMENT TO BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There is no change to existing vegetation or any other natural resources on site associated with this request.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: There is no change to the established vehicular or pedestrian circulation patterns established on or around this site associated with this request.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no proposed changes to any open space associated with this request, nor are there any requirements for open space associated with this request.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: There are no proposed changes to existing drainage facilities or flow patterns associated with this request.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: There are no proposed changes to the overall site design associated with this request.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: An event space is an appropriate use within the C-2 zoning district and Suburban Marketplace Corridor form district. Overly specific descriptions of the square footage of individual uses within a development are outdated, and redundant with the established requirement that any development be built to the approved District Development Plan.

#### **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Amendment to Binding Elements**

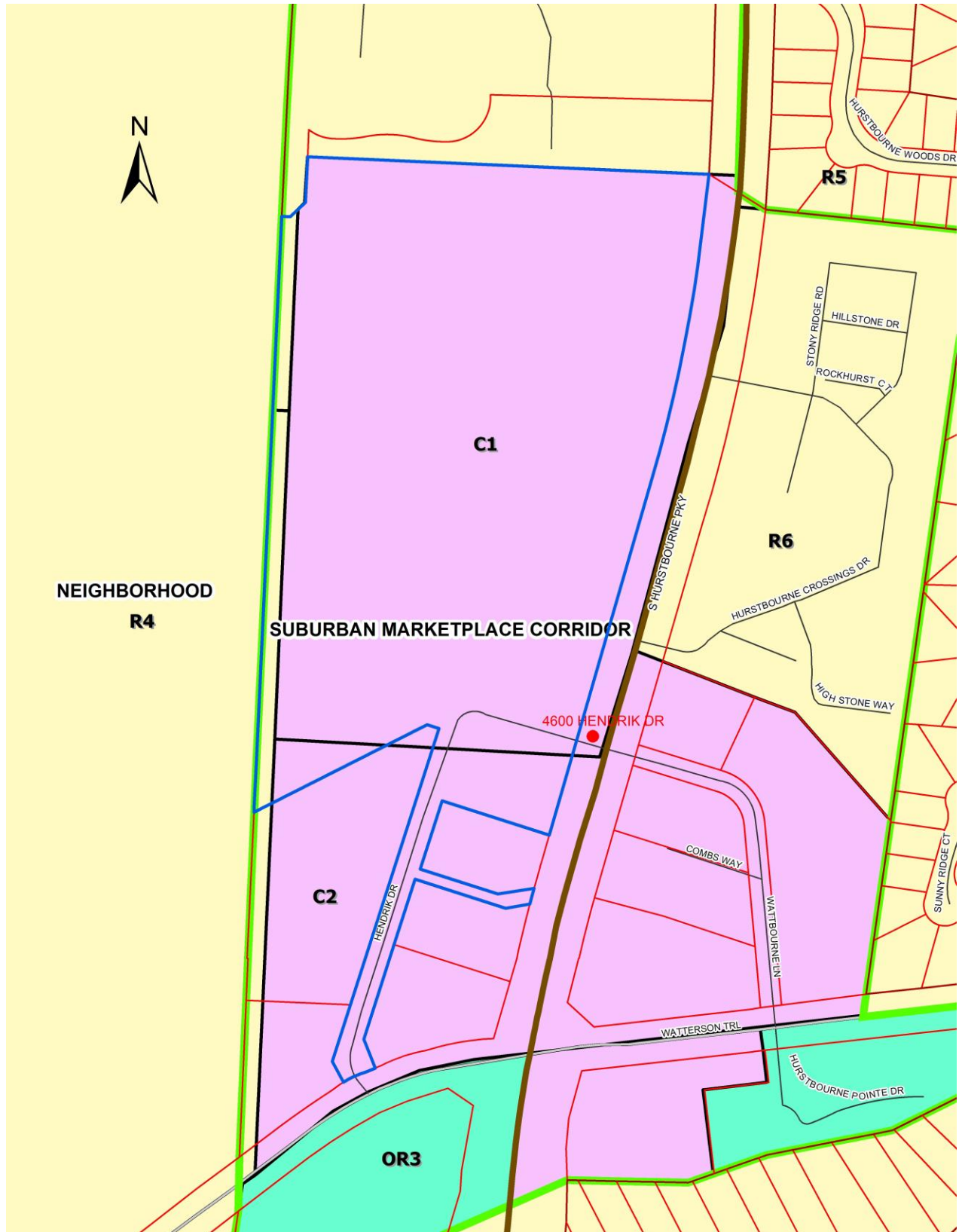
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
12-9-17	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 11

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with Proposed Changes

1. **Zoning Map**





2. Aerial Photograph



**3. Existing Binding Elements with Proposed Changes**

~~2. The development shall not exceed 2,432 square feet of gross floor area for the convenience store and 287,306 square feet of gross floor area for the Meijer store. Of the total square footage permitted for Meijer, the development shall not exceed 189,298 square feet of gross floor area for retail, 9,386 square feet of gross floor area for food court; 34,006 square feet of gross floor area for garden center; and 54,616 square feet of gross floor area for storage/non-public area. The entire development including Outlots 1-5 should not exceed 321,882 square feet.~~

4. The following uses, although permitted generally in the C-2 Commercial District, are prohibited uses within the C-2 areas of Stony Brook South: adult entertainment, automobile repair garages, bookbinding facilities, ~~dance halls~~, kennels, monument sales, plumbing and heating shops, sign painting, skating rinks, taverns, theaters, used car sales areas unless in connection with 1 a new car sales dealership, advertising signs (billboards). The remainder of the C-2 Commercial uses (being those that are not also specifically listed in the C-1 District) shall be allowed in the C-2 areas of Stony Brook South, but only to the extent of one-third of the allowable commercial square footage allowed  $\frac{1}{3} \times 620,670 = 206,890$  square feet).